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Takashi Murai

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

DANIEL JR, WILLIE J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This action is in response to applicant's communication filed on 22 May 2009. **Claims 1-3, 7, and 9** are now pending in the present application and **claims 4-6, 8, and 10-15** are cancelled. This office action is made **Final**.

Claim Objections

2. The objection applied to the claim(s) is withdrawn, as the proposed claim corrections are approved.

Claim Rejections - 35 USC § 112

3. The 112 rejection(s) applied to the claim(s) is withdrawn.

Double Patent Claiming

4. Applicant is advised that should claims 2 and 3 be found allowable, claim 2 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
5. Applicant is advised that should claims 7 and 9 be found allowable, claim 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same

thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ayres et al.** (hereinafter Ayres) (**US 2003/0078986 A1**) in view of **Trossen et al.** (hereinafter Trossen) (**US 2004/0111476 A1**), **Cohn et al.** (hereinafter Cohn) (**US 2002/0065074 A1**), **Kuramitsu** (**US 7,221,903 B2**), and **Shiotsu et al.** (hereinafter Shiotsu) (**US 7,142,204 B2**).

Regarding **claims 2 and 3**, Ayres discloses a method for distributing video (e.g., multimedia MM) information to a mobile phone from a video contents server (e.g., multimedia distribution server - MDK 12, 14, 16), based on push technology, said video contents server configured to store therein the video information to be distributed, under control of a user management server (MDK server 140) which controls user registration and video information distribution (see pg. 4, [0039-0040]), comprising:

registering a user request for a video information distribution service to the user management server in advance (see pg. 1, [0009-0010]; pg. 4, [0045]), where the MDK server 140 includes a subscriber registration module (142);

detecting that the mobile phone exists in a specific area (see pg. 1, [0009-0010]; pg. 4, [0039-0040, 0045]);

when existence of the mobile phone in the specific area has been detected (see pg. 2, [0020]); and,

distributing video information about the specific area from the video contents server to the mobile phone based on said push technology (see pg. 2, [0020]; pg. 5, [0053]);

causing the mobile phone to display the saved video information on the basis of a user's instruction (see pg. 3, [0027]). Ayres does not specifically disclose having the features detecting traffic of a radio channel connected to the mobile phone at a time when it has been detected that the mobile phone exists in the specific area; and when the detected traffic is lower than a threshold, distributing video information about the specific area from the video contents server to the mobile phone based on said push technology; when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, causing the mobile phone to save the distributed video information; when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, causing the mobile phone to display the distributed video information for only a time period, and thereafter causing the mobile phone to stop displaying the video information while the user is still not using the mobile phone and save the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the features detecting traffic of a radio channel connected to the mobile phone at a time when it has been detected that the mobile phone exists in the specific area; and when the detected traffic is lower than a threshold, distributing video information

from the video contents server to the mobile phone based on said push technology was well known in the art, as taught by Trossen.

In the same field of endeavor, Trossen discloses the features detecting traffic of a radio channel connected to the mobile phone; and when the detected traffic is lower than a threshold, distributing video information from the video contents server to the mobile phone based on said push technology (see pg. 4, [0033]; pg. 7, 0046-0047]), where the message recipient can define a recipient rule that only permits delivery of specific portions of multimedia messages, such as text portions of multimedia messages that also contain, for example, graphic, audio, and/or video content; and a network rule for message delivery can be defined based on an amount of traffic on the network over which the media content is to be delivered, such as sending the media content when the network traffic is below a threshold (see pg. 7, 0046-0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres and Trossen to have the features detecting traffic of a radio channel connected to the mobile phone; and when the detected traffic is lower than a threshold, distributing video information from the video contents server to the mobile phone based on said push technology, in order to allow rules to be defined so as to facilitate fast, efficient and expensive delivery of media content to subscribers, as taught by Trossen (see pg. 2, [0014]; pg. 10, [0068]). The combination of Ayres and Trossen does not specifically disclose having the feature(s) when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, causing the mobile phone to save the distributed video information; when the video information is

distributed from the video contents server to the mobile phone while the user is not using the mobile phone, causing the mobile phone to display the distributed video information for only a time period, and thereafter causing the mobile phone to stop displaying the video information while the user is still not using the mobile phone and save the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the feature when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone was well known in the art, as taught by Cohn.

In the same field of endeavor, Cohn discloses the feature when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone (e.g., wireless handheld device 18) (see pg. 2, [0022, 0024, 0036]; pg. 3, [0050]), where the device can receive single use video content. Also, Cohn further discloses the feature mobile phone that is not in use (see pgs. 1-2, [0013]), where the wireless device lost connection (in other words, not in use) and has to re-establish the communication link to receive the data not received.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres, Trossen, and Cohn to have the feature when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone that is not in use, in order to provide wireless delivery, downloading, playback and management of multimedia content on a mobile device, as taught by Cohn (see pg. 1, [0011]). The combination Ayres, Trossen, and Cohn does not specifically disclose having the feature(s) when said video information is

distributed from the video contents server to the mobile phone while a user is using the mobile phone, causing the mobile phone to save the distributed video information; when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, causing the mobile phone to display the distributed video information for only a time period, and thereafter causing the mobile phone to stop displaying the video information while the user is still not using the mobile phone and save the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the feature(s) when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, causing the mobile phone to save the distributed video information; when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, causing the mobile phone to display the distributed video information for only a time period, and thereafter causing the mobile phone to stop displaying the video information and save the remaining video information distributed after the time period has elapsed was well known in the art, as taught by Kuramitsu.

In the same field of endeavor, Kuramitsu discloses the feature(s) when said video information is distributed from the video contents server to the mobile phone (e.g., mobile communications terminal device E₁) while a user is using the mobile phone, causing the mobile phone to save (e.g., stores) the distributed video information (see col. 2, lines 23-29; col. 5, lines 43-55; col. 19, lines 15-19, 23-26; Figs. 1 & 20), where the content is stored while the user is engaged in voice communication;

when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, causing the mobile phone to display (e.g., reproduces) the distributed video information for only a time period (see col. 7, line 63 - col. 8, line 4; Figs. 2, 5, & 23 and the related text), where the content is being reproduce for a time period and stores the content during an incoming call in which the content can be reproduced at a later time, and

thereafter causing the mobile phone to stop displaying the video information and save the remaining video information distributed after the time period has elapsed (see col. 7, line 63 - col. 8, line 4; Figs. 2, 5, & 23 and the related text), where the content is being reproduce for a time period and stores the content during an incoming call in which the content can be reproduced at a later time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres, Trossen, Cohn, and Kuramitsu to have the feature(s) when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, causing the mobile phone to save the distributed video information; when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, causing the mobile phone to display the distributed video information for only a time period, and thereafter causing the mobile phone to stop displaying the video information and save the remaining video information distributed after the time period has elapsed, in order to provide a communication terminal device capable of outputting a portion of a content missed by the user due to voice communication at a time shifted from the actual broadcast, as taught by

Kuramitsu (see col. 1, lines 61-65). The combination Ayres, Trossen, Cohn, Kuramitsu, and Shiotsu does not specifically disclose having the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed was well known in the art, as taught by Shiotsu.

In the same field of endeavor, Shiotsu discloses the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed (see col. 4, lines 12-18,33-37; col. 7, lines 8-13; col. 8, lines 19-39; col. 9, lines 17-26; Figs. 1-2), where the system displays the TV broadcast for a timed duration then switches to recording.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres, Trossen, Cohn, Kuramitsu, and Shiotsu to have the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed, in order to enable setting an optimal operating state, as taught by Shiotsu (see col. 1, lines 62-67).

Regarding **claims 1, 7, and 9**, Ayres discloses a system for distributing video (e.g., multimedia MM) information based on push technology (see pg. 4, [0039-0040]), comprising:

a mobile phone that receives said video information from a video contents server (e.g., multimedia distribution server - MDK 12, 14, 16) configured to store therein the video information to be distributed (see pg. 2, [0020]; pg. 5, [0053]);

a user management server (MDK server 140) which controls user registration and video information distribution via a network (see pg. 4, [0039-0040]),

wherein said video contents server is under control of said user management server, wherein a user request for a video information distribution service about an area to the user is received by said user management server in advance (see pg. 1, [0009-0010]; pg. 4, [0045]), where the MDK server 140 includes a subscriber registration module (142); and

said video information about the area is distributed from the video contents server to said mobile phone via said push technology (see pg. 2, [0020]; pg. 5, [0053]),

the video information is displayed in real time (see pg. 3, [0027]; pg. 2, [0020]).

wherein said video information about the area is distributed from the video contents server via said push technology (see pg. 1, [0009-0010]; pg. 4, [0045]), where the MDK server 140 includes a subscriber registration module (142).

the mobile phone saves the distributed video information (see pg. 7, [0079]);

the mobile phone displays the saved video information in response to a user's instruction (see pg. 3, [0027]). Ayres does not specifically disclose having the feature(s) a traffic monitoring apparatus that measures a traffic level of a radio channel to which the mobile

phone is connected, wherein when said traffic is lower than a threshold, said video information about the area is distributed from the video contents server to said mobile phone via said push technology, and if the mobile phone is not in use and the video information has not already been provided, wherein said video information about the area is distributed from the video contents server to said mobile phone via said push technology, wherein when said traffic is lower than the threshold and when the mobile phone is in the area, and wherein when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, the mobile phone saves the distributed video information, and further wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, the mobile phone displays the distributed video information for only a time period, and thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the feature(s) a traffic monitoring apparatus that measures a traffic level of a radio channel to which the mobile phone is connected, wherein when said traffic is lower than a threshold, said video information about the area is distributed from the video contents server to said mobile phone via said push technology, wherein said video information about the area is distributed from the video contents server to said mobile phone via said push technology, wherein when said traffic is lower than the threshold and when the mobile phone is in the area was well known in the art, as taught by Trossen.

In the same field of endeavor, Trossen discloses the feature(s) a traffic monitoring apparatus that measures a traffic level of a radio channel to which the mobile phone is connected, wherein when said traffic is lower than a threshold, said video information about the area is distributed from the video contents server to said mobile phone via said push technology (see pg. 4, [0033]; pg. 7, [0046-0047]), where the message recipient can define a recipient rule that only permits delivery of specific portions of multimedia messages, such as text portions of multimedia messages that also contain, for example, graphic, audio, and/or video content; and a network rule for message delivery can be defined based on an amount of traffic on the network over which the media content is to be delivered, such as sending the media content when the network traffic is below a threshold (see pg. 7, [0046-0047]),

wherein said video information about the area is distributed from the video contents server to said mobile phone via said push technology (see pg. 4, [0033]; pg. 7, [0046-0047]),

wherein when said traffic is lower than the threshold and when the mobile phone is in the area (see pg. 4, [0033]; pg. 7, [0046-0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres and Trossen to have the feature(s) a traffic monitoring apparatus that measures a traffic level of a radio channel to which the mobile phone is connected, wherein when said traffic is lower than a threshold, said video information about the area is distributed from the video contents server to said mobile phone via said push technology, wherein said video information about the area is distributed from the video contents server to said mobile phone via said push technology, wherein when said traffic is lower than the threshold and when the mobile phone is in the area, in order to allow

rules to be defined so as to facilitate fast, efficient and expensive delivery of media content to subscribers, as taught by Trossen (see pg. 2, [0014]; pg. 10, [0068]). The combination Ayres and Trossen does not specifically disclose having the feature(s) if the mobile phone is not in use and the video information has not already been provided, and wherein when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, the mobile phone saves the distributed video information, and further wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, the mobile phone displays the distributed video information for only a time period, and thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the feature(s) if the mobile phone is not in use and the video information has not already been provided was well known in the art, as taught by Cohn.

Cohn further discloses the feature(s) if the mobile phone (e.g., wireless handheld device 18) is not in use and the video information has not already been provided (see pg. 2, [0022, 0024, 0036]; pg. 3, [0050]), where the device can receive single use video content, and

wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone (e.g., wireless handheld device 18) (see pg. 2, [0022, 0024, 0036]; pg. 3, [0050]), where the device can receive single use video content. Also, Cohn further discloses the feature mobile phone that is not in use (see

pgs. 1-2, [0013]), where the wireless device lost connection (in other words, not in use) and has to re-establish the communication link to receive the data not received.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres, Trossen, and Cohn to have the feature(s) if the mobile phone is not in use and the video information has not already been provided, and wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, in order to provide wireless delivery, downloading, playback and management of multimedia content on a mobile device, as taught by Cohn (see pg. 1, [0011]). The combination Ayres, Trossen, and Cohn does not specifically disclose having the feature(s) wherein when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, the mobile phone saves the distributed video information, and further wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, the mobile phone displays the distributed video information for only a time period, and thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the feature(s) wherein when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, the mobile phone saves the distributed video information, and further wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, the mobile phone displays the distributed video

information for only a time period, and thereafter the mobile phone stops displaying the video information and saves the remaining video information distributed after the time period has elapsed was well known in the art, as taught by Kuramitsu.

In the same field of endeavor, Kuramitsu discloses the feature(s) wherein when said video information is distributed from the video contents server to the mobile phone (e.g., mobile communications terminal device E₁) while a user is using the mobile phone, the mobile phone saves (e.g., stores) the distributed video information (see col. 2, lines 23-29; col. 5, lines 43-55; col. 19, lines 15-19, 23-26; Figs. 1 & 20), where the content is stored while the user is engaged in voice communication, and

further wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, the mobile phone displays (e.g., reproduces) the distributed video information for only a time period (see col. 7, line 63 - col. 8, line 4; Figs. 2, 5, & 23 and the related text), where the content is being reproduce for a time period and stores the content during an incoming call in which the content can be reproduced at a later time, and

thereafter the mobile phone stops displaying the video information and saves the remaining video information distributed after the time period has elapsed (see col. 7, line 63 - col. 8, line 4; Figs. 2, 5, & 23 and the related text), where the content is being reproduce for a time period and stores the content during an incoming call in which the content can be reproduced at a later time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres, Trossen, Cohn, and Kuramitsu to

have the feature(s) wherein when said video information is distributed from the video contents server to the mobile phone while a user is using the mobile phone, the mobile phone saves the distributed video information, and further wherein when the video information is distributed from the video contents server to the mobile phone while the user is not using the mobile phone, the mobile phone displays the distributed video information for only a time period, and thereafter the mobile phone stops displaying the video information and saves the remaining video information distributed after the time period has elapsed, in order to provide a communication terminal device capable of outputting a portion of a content missed by the user due to voice communication at a time shifted from the actual broadcast, as taught by Kuramitsu (see col. 1, lines 61-65). The combination Ayres, Trossen, Cohn, Kuramitsu, and Shiotsu does not specifically disclose having the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed. However, the examiner maintains that the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed was well known in the art, as taught by Shiotsu.

In the same field of endeavor, Shiotsu discloses the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed (see col. 4, lines 12-18,33-37; col. 7, lines 8-13; col. 8, lines 19-39; col. 9, lines 17-

26; Figs. 1-2), where the system displays the TV broadcast for a timed duration then switches to recording.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ayres, Trossen, Cohn, Kuramitsu, and Shiotsu to have the feature(s) thereafter the mobile phone stops displaying the video information while the user is still not using the mobile phone and saves the remaining video information distributed after the time period has elapsed, in order to enable setting an optimal operating state, as taught by Shiotsu (see col. 1, lines 62-67).

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 7, and 9 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

8. Applicant's arguments filed 22 May 2009 have been fully considered but they are not persuasive.
9. Regarding applicant's argument on pg. 8, 2nd par., "...limited to sending information about a *specific area*...", the Examiner respectfully disagrees. Claim 2 recites the limitation "...distribution service about an area..." in line(s) 5 of the claim. Claims 2 and 3 differ by a slight variation in wording but both claims essentially describe the same subject matter.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
23 August 2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617